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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,499	12/12/2005	Jill MacDonald Boyce	PU040018	3191
24498	7590	09/21/2010		
Robert D. Shedd, Patent Operations			EXAMINER	
THOMSON Licensing LLC			THOMPSON, JAMES A	
P.O. Box 5312				
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			09/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,499

Applicant(s)

BOYCE, JILL MACDONALD

Examiner

James A. Thompson

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005 and 14 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB006)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. As discussed in the Interview Summary of 23 July 2010, the Restriction requirement mailed 25 June 2010 has been withdrawn. Examiner has fully considered all of the pending claims and fully addresses the claims below.

Information Disclosure Statement

2. The Information Disclosure Statements (PTO-1449) of 14 August 2008 and 12 December 2005 have been fully considered by Examiner. Signed, initialed and dated copies are included with the present action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (EP 0 883 299 A2).**

Regarding claim 1: Nakagawa discloses a spatial scalable video decoder for receiving each of a standard-resolution bitstream and a high-resolution scalable bitstream (**fig. 1 and column 4, lines 36-45 of Nakagawa** – *input video can be high resolution; selector determines if*

input video is to be encoded as high resolution or standard resolution) and providing a high-resolution video sequence (**column 6, line 55 to column 7, line 4 of Nakagawa – both low resolution and high resolution video sequences are provided based on the resolution selection**), the decoder comprising: an I-picture detector for receiving the standard-resolution bitstream (**column 5, lines 22-29 of Nakagawa – standard resolution I-pictures are detected and used to reconstruct high resolution images**); a standard-resolution Intra decoder in signal communication with the I-picture detector for decoding I-pictures (**column 5, lines 22-27 of Nakagawa – standard resolution I-pictures are decoded and converted to high resolution images**); a high-resolution video decoder for receiving the high-resolution scalable bitstream (**column 4, lines 48-50 and lines 54-58; and column 5, line 56 to column 6, line 2 of Nakagawa**); and a selector in signal communication with the standard-resolution Intra video decoder and the high-resolution video decoder for selecting between the outputs from the standard-resolution Intra video decoder and the high-resolution video decoder to provide the high-resolution video sequence (**column 6, lines 50-58 of Nakagawa**).

Regarding claim 2: Nakagawa discloses an I-picture indicator in signal communication between the standard-resolution Intra decoder and the selector (**column 5, lines 22-29 and column 5, line 56 to column 6, line 5 of Nakagawa – selector selects which resolution is to be used and, if it is standard resolution, the Intra decoder decodes the standard-resolution I-pictures so that high-resolution I-pictures can be reconstructed**).

Regarding claim 3: Nakagawa discloses an I-picture selector in signal communication with the I-picture detector (**column 6, line 55 to column 7, line 23 of Nakagawa – I-pictures**

from the standard-resolution bitstream can be used or, if high-resolution is selected, high-resolution I-pictures are used for reconstructing the output video data stream).

Regarding claim 4: Nakagawa discloses an upsampler in signal communication with the standard-resolution Intra decoder (**column 5, lines 4-9 of Nakagawa**).

Regarding claim 5: Nakagawa discloses a summing unit in signal communication with the high-resolution decoder (**column 7, line 54 to column 8, lines 2 of Nakagawa**).

Regarding claim 6: Nakagawa discloses high-resolution frame stores in signal communication with the high-resolution decoder (**column 4, lines 48-50 of Nakagawa**).

Regarding claim 7: Nakagawa discloses wherein the high-resolution frame stores is in signal communication with the selector for receiving the high-resolution video sequence (**column 4, lines 54-58 of Nakagawa**).

Regarding claim 8: Nakagawa discloses a decoding method for providing spatial scalable decoded video data (**fig. 1 and column 4, lines 36-53 of Nakagawa**), the method comprising: receiving a standard-resolution bitstream (**column 4, lines 51-53 and column 5, lines 22-29 of Nakagawa**); receiving a high-resolution scalable bitstream (**column 4, lines 48-50 and column 5, line 56 to column 6, line 2 of Nakagawa**); Intra decoding I-pictures from the standard-resolution bitstream (**column 5, lines 22-27 of Nakagawa – standard resolution I-pictures are decoded and converted to high resolution images**); up-sampling the decoded I-picture to high-resolution (**column 5, lines 4-9 of Nakagawa**); high-resolution decoding a current picture from the high-resolution scalable bitstream (**column 4, lines 48-50 and lines 54-58; and column 5, line 56 to column 6, line 2 of Nakagawa**); and summing the decoded current picture with the up-sampled I-picture (**column 7, line 54 to column 8, lines 2 of Nakagawa**).

Regarding claim 9: Nakagawa discloses selecting one of the decoded current picture and the summed picture in response to an indication of the presence of an I-picture (**column 6, line 50 to column 7, line 4 of Nakagawa** – *based on characteristics of I-picture and selected resolution mode, the high-resolution video picture is selected or the low-resolution video picture, later used to reconstruct the high-resolution video picture, is selected*); and outputting the selected picture in a high-resolution video sequence (**column 8, lines 38-50 of Nakagawa**).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nozawa et al., US Patent 6,587,505, Patented 01 July 2003, Filed 03 August 1999.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A Thompson/
Primary Examiner, Art Unit 2625

19 September 2010